

SENATE—Thursday, March 1, 2001

The Senate met at 10:01 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, as we begin Women's History Month today, we thank You for the indelible impact of women on American history. Specifically, we praise You for women like Emma Willard who started the first college for women, Jarena Lee who was the first black woman to preach in the African Methodist Episcopal Church, Harriet Beecher Stowe who helped abolish slavery by writing "Uncle Tom's Cabin," and Carrie Chapman Catt who tirelessly led the way for women to win the right to vote. We praise You for each of these women and the many others who have made personal sacrifices so that all women can claim their equality and freedom.

Today, Gracious God, we also give You thanks for the women who serve here in the Senate: the outstanding women Senators, the women who serve as officers, and the many women throughout the Senate family who continually glorify You in their loyalty and excellence.

Our prayer today, Gracious Lord, is that the role of women in the Senate will exemplify to the American people the importance of the leadership of women in every sector of our society.

Thank You, Gracious God. In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2001.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the time until 10:15 a.m. shall be under the control of the Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. Good morning, Mr. President. Let me wish you well, and the minority whip, Senator REID.

SCHEDULE

Mr. MURKOWSKI. I say on behalf of the leader, today the Senate will be in a period of morning business until 1 p.m. with all the time allocated by unanimous consent. Following morning business, it is hoped that the Senate can begin consideration of the bankruptcy legislation. It is hoped that an agreement can be reached on its consideration prior to the end of the week. The Senate may also consider any nominations that are available for action.

I thank my colleagues for their attention.

EXECUTIVE SESSION**NOMINATION OF MARK A. WEINBERGER TO BE AN ASSISTANT SECRETARY OF THE TREASURY**

Mr. MURKOWSKI. Mr. President, on behalf of the leadership, on the Executive Calendar, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination reported by the Finance Committee: Calendar No. 17, Mark Weinberger. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I note for the record that the Democrats were ready to move on this yesterday. There was a problem on the other side. We are most happy to move this whenever the leader feels it appropriate. Therefore, I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MURKOWSKI. Mr. President, let me be sure the minority whip understands that this is for Assistant Secretary of the Treasury. I thank the Senator for his cooperation.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, let me take a few moments this morning to discuss the merits of the energy bill which was introduced earlier this week by a number of our colleagues. It is a bipartisan introduction by myself, Senator BREAU, Senator LOTT, and a number of other Senators who are on the bill.

I think it is appropriate to kind of focus in on reality. We have an energy crisis in this country. It has been developing for a long time. It does not solve anything to point fingers at where the responsibility is. The bottom line is how to address it, how to resolve it, and how to get this country moving again. We are looking at the stock market, shaking our heads. We are listening to Alan Greenspan. The predictions for the economy are gloomy, and one of the causes, a significant cause, obviously, is the price of energy.

The price of energy has hit everyone in this body. If you live in Washington, DC, and you use gas, you know your gas bills have doubled. That means you have had to take a greater percentage of your disposable income to pay your gas bill. I will not go into gasoline prices which have escalated over an extended period of time. But the American public and Members of this body have an opportunity, and I think have an obligation, to come up with some positive solutions.

We would like to think that energy is bipartisan. We all have the same responsibility. We have different views on how to achieve a balance. But I think there is a basic philosophical opportunity for some self-examination

because some folks suggest we can simply conserve our way out of this crisis. Factually, we cannot conserve our way out of this crisis. It is understandable as we reflect on where we have come in the last 10 years. We are dependent on computers, air-conditioning. With a larger more affluent population, it simply uses more energy.

We can be more energy efficient, but the reality is, as the CSIS study showed, we are going to be dependent on fossil fuels for the next two decades at an increasing percentage—somewhere from 86 to close to 90 percent. We forget we are not the whole world. We kind of look at ourselves and say, well, we set the pattern. But given the growth of Third World countries such as China, their consumption of energy suggests that, as we look at the future, there is going to be more pressure on conventional hydrocarbons. We have to look to alternatives. We have to examine ways not to throw the baby out with the bath water, which is what some have suggested in criticism of this bill.

We have to recognize that for a long time we are going to be dependent on our conventional sources of energy, even though we have an abundance of coal and we have the technology to clean up our coal. Still, as we look for power generation relief, we don't look to coal anymore. There are a number of reasons for it. Obviously some coal has problems. It has problems associated with Btu's; it has problems associated with ash; it has problems associated with the chemical makeup of the coal that requires removal of impurities. But the technology is there although the cost increases. We work in this competitive area on the cost of energy per Btu.

Sulfur in coal can be removed. We can have scrubbers on our stacks. But we have to have a plan and an encouragement and in some cases assistance in developing this technology. We have this in this legislation.

Mr. President, 20 percent of our power—and I know my friend from Nevada occasionally rises to the occasion concerning nuclear power—20 percent of the power in this country is generated by nuclear energy. Yet we have not built a new plant in almost 20 years. You cannot build a plant. It is not economic. We cannot address what to do with the nuclear waste. I am not here to promote nuclear energy, solely. I am simply saying nuclear energy has a place in the mix of our energy production, just as coal does.

We have tremendous capacity and capability for hydro, particularly in the Pacific Northwest, but the prospects for building new hydro plants are very remote. We are talking about taking dams down, but we don't honestly evaluate what the tradeoff is. If we take down dams on the Columbia River, what is the result? We will lose

the capability of barge traffic moving huge tonnages on that river. What will we do with them? We will put them on the highway; that is the tradeoff—oil.

Obviously, we are becoming more dependent on imported oil, 56 percent dependent. At what point do we sacrifice our national security effort by becoming increasingly dependent, and at what percentage does that occur? It is pretty hard to say. We are 56 percent dependent now. We were 37 percent in 1973 when we had the Arab oil embargo. The Department of Energy says it is going to be somewhere in the area of 63 or 64 or 65 percent.

I was asked that question the other day by a reporter: You talk about our dependence. We have become used to it. At what point do we really compromise our national security?

I thought for a moment. I said that in 1991-1992 we fought a war. We lost 147 lives. Is that sufficient? I think it is.

As we look to the future, we are going to continue to have a problem unless we relieve our dependence on imported energy sources, and particularly oil.

How do we do that? We do it through a combination of ways, developing other known sources of energy, such as I outlined, and opening up new sources of domestic energy.

One of the interesting things about this bill is it focuses. It is 300 pages, but it focuses like a lightning rod on one issue: opening ANWR. Do we do it safely? Can we do it safely? Do we have the technology? Clearly we do. There is absolutely no question about that.

On the other hand, America's environmental community has rallied to the cause to save ANWR, saying that we cannot do it safely. Somebody is wrong. But I can tell you what it has done. It has given the environmental community a cause. They need a national cause where people cannot evaluate the issue for themselves because they will not go up there. It increases membership and dollars.

Look at some of the colleges in the East: Save ANWR. There is no question of technology capability.

What we are facing here is very little focus on the energy bill in itself but great rhetoric. For example, the Sierra Club—may I ask what the time agreement is?

The ACTING PRESIDENT pro tempore. The Senator had until 10:15. It is now 10:15, I say to the Senator.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to add 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, and I will not object.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. That being the case, I ask everyone's time be advanced accord-

ingly so no one loses any time because under the time agreement everyone has allocated time by the minute. I ask as part of that that everyone be advanced 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Alaska has an additional 10 minutes, and all other Senators' times will be moved back 10 minutes from that previously agreed to.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Nevada.

Let me spend a few minutes countering the allegations against this legislation. The Sierra Club came out with a report saying the bill was a giveaway for fossil fuel producers.

There is absolutely no incentive in this legislation for big oil. We focus on maintaining a viable domestic industry, reducing our dependence on foreign oil, and ensuring our national security. The Sierra Club release also calls for increased efficiency, renewable energy, and more efficient, less-polluting powerplants. I wonder if they have read the bill. We provided incentives for alternatives: fuels, renewable energy production, energy efficiency, just as they and we advocate.

Did they also ignore our new R&D program in the bill, and the incentives to use clean coal technology in existing and new powerplants? I doubt if they have read the bill.

The Sierra Club focuses on the need to improve fuel economy for cars, SUVs, and light trucks, and we agree. That is why our bill requires a 3-mile-per-gallon improvement in the fuel economy of Federal fleets by the year 2005. Why did we start with Federal fleets? We ought to start with Government. That is where it belongs. Government should show the way. So we provided new incentives for the purchase of hybrid vehicles that give double, even triple the gas mileage of today's cars. But they must not have seen this because the Sierra Club just doesn't appreciate the reality, that this is just not a bill that has one little portion covering ANWR.

Regarding the provisions of the bill, I think, for the most part, if the Sierra Club would sit down and read it, they would agree with it.

We have another group, the League of Conservation Voters, who, in a press release, have some polling data showing the public is against opening up the Arctic in Alaska. They say 66 percent of American voters support permanently closing ANWR to oil and gas exploration.

Isn't it funny what polls say. The Christian Science Monitor poll and the Chicago Tribune poll say otherwise.

The Christian Science Monitor; 54 percent support opening the area; the Chicago Tribune; 52 percent support opening the area. Three out of four support increased oil and gas exploration in our country.

The League of Conservation Voters goes on to state:

America needs a sensible energy policy that places serious emphasis on energy conservation and alternative fuels. . .

Title VI of our bill focuses on energy efficiency, conservation, and assistance to low-income families. Title VII of the bill focuses on alternative fuels and renewable energy.

Our tax provisions have several new incentives for energy-efficient homes, appliances, vehicles, and for renewables.

As I indicated in my opening remarks, the Center for Strategic International Studies says, unfortunately, that we will remain dependent on fossil fuels for the near future. Shouldn't we direct our efforts towards developing technology to use these fuels more cleanly and more efficiently? We simply can't ignore our reliance on foreign oil. As I indicated, it is expected to reach 70 percent by the year 2002. We cannot ignore our coal at 52 percent of our electricity. We can't ignore nuclear, which is 20 percent of our electricity.

Instead of a comprehensive approach, some environmental groups want a national energy policy that requires massive shifts in our energy industry. Elimination of fossil fuels entirely, thousands of jobs lost, higher energy prices, and standard investment are not in their equation.

Our approach to an energy policy—the National Energy Security Act of 2001—we think is the right approach. It is comprehensive. It is balanced.

Obviously, in the hearing process we had input from all Members, and the administration is yet to be heard. But we are trying to use the philosophy of using the fuels of today to yield the technologies of tomorrow and ensuring clean, secure, and affordable energy in the future. I think this bill attempts to do that.

Let me leave you with one additional thought. We hear from many of the opponents of ANWR that all we have to do is get an extra 3 miles per gallon out of our cars and we will get the same amount of oil as drilling and opening up that area in our State. I question that claim. The real issue is do you think everyone in America should trade in their cars and buy new vehicles. And there are about 132 million cars in America. That doesn't count the trucks and the buses. But if the Americans have to go all out and buy new and efficient cars as pseudoenvironmentalists want them to do, it will cost more than \$2.6 trillion. Since most Americans don't have \$20,000 sitting around just waiting to go

buy a new car, they are going to have to finance that car. That will probably raise the cost to more than \$3 trillion. That seems to be their answer to Americans—get a new car and spend \$3 trillion. That isn't going to happen either.

I think everyone has a responsibility to make some positive contributions to this legislation and recognize what is happening to our economy as a consequence of the scarcity of energy associated with the higher prices and the fact that energy is, indeed, taking a larger share out of everyone's budget and, as a consequence, affecting dramatically our economy.

Let's get serious, and let's do something meaningful about this.

I thank my colleague for the additional time. I appreciate the courtesy, and at any time I will certainly respond.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, as amended by the Senator from Nevada, the Senator from Nevada, Mr. ENSIGN, has control of the time until 10:40 a.m.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes following the statement of Senator ENSIGN.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Nevada is recognized.

LET NO NEVADA CHILD BE LEFT BEHIND

Mr. ENSIGN. Mr. President, Nevada's slogan is "Battle Born." And Nevadans are proud to use that slogan. It is on our State flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of the character of Nevadans. This is as true today as it was when our State entered the Union during the Civil War.

I am humbled to stand here in this Chamber where many distinguished Nevadans have preceded me, giants like Pat McCarran, Alan Bible, Howard Cannon, Paul Laxalt, and the man I succeeded, Dick Bryan. None of them forgot the unique culture of the West and their Nevada roots. The nature of the challenges may have changed over the years, but not the nature of the Nevadans fighting to overcome them.

In this era of globalization we are condemning our children, and our nation, to an uncertain future if we fail to confront a very different kind of threat—the intractable problems in our public schools.

Let me share some troubling statistics with you. If you compare our children to their counterparts in other nations, the most academically advanced American high school seniors ranked 15 out of 16—second from the bottom—on an advanced math test and 16 out of 16

on an advanced physics test. This is unacceptable.

Our public schools are failing our children. And unless we address this problem now—today—we will bear the consequences for a generation or more. Let's not forget: Today's students are tomorrow's leaders—in business, technology, engineering, government and every other field. If even the brightest of our young people cannot compete in the classroom with their colleagues abroad in math and science, how will they be able to compete with them as adults in the world of business? How can we expect them to develop into the innovators America needs to maintain—and, yes, expand—her dominant role in the global marketplace?

We need to make sure every single student in America graduates with the basic skills in communications, math, and information technology that are necessary to excel in the New Economy. As a nation, we simply cannot afford to accept the status quo.

As a fourth generation Nevadan, I know the people of my State are up to the challenge of creating a better education system. But they need the Federal Government to get out of their way so they can do it. We need a results-based system, which gives States greater flexibility to spend Federal education dollars, while holding them accountable for student achievement.

Today, Federal funds for States and local school districts are not linked to whether academic progress has been attained. The Department of Education simply doles out money in keeping with Washington-designed funding formulas and grant proposals. There is no incentive for innovation, and no penalty for failure.

President Bush wants to change this. He has proposed requiring federally funded annual reading and math testing in grades 3-8 to ensure student achievement and hold States accountable for the Federal money they receive. The test results will be the ruler by which the Department of Education can measure whether students are improving. These results will also provide parents with the information they need to track the progress of not only their own children, but of the schools their children attend.

The question we are all struggling with is what to do if and when this new system reveals that a particular school is failing to successfully educate our children. Under President Bush's plan, if a school is shown to be failing after three years (based on objective measures of student achievement), then a voucher will be given to parents whose children attend that failing school. The parents will then have the power to say to school officials: Shape up—or my kids are shipping out.

Now, I am certainly open to real alternatives to vouchers that are not driven by the anti-choice agenda of entrenched interests. However, I am not